

ENTERED

October 29, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

WILLIAM D. GILLIARD,
(FBCJ #P00219287)
Plaintiff,

vs.

MEDICAL DEPARTMENT,

Defendant.

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CIVIL ACTION H-18-3259

MEMORANDUM ON DISMISSAL

The plaintiff has failed to submit a completed and signed application to proceed in forma pauperis with certified inmate account information or pay the filing fee, as required by notice from the Clerk dated September 20, 2018. The Clerk's notice specifically provided that failure to comply as directed may result in the dismissal of this action. (Docket Entry No. 4). The plaintiff's failure to pursue this action forces this Court to conclude that he lacks due diligence.

Under the inherent powers necessarily vested in a court to manage its own affairs, this Court determines that dismissal for want of prosecution is appropriate. *See* Fed. R. Civ. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626 (1962); *Clofer v. Perego*, 106 F.3d 678 (5th Cir. 1997); 8 James Wm. Moore et al., *Moore's Federal Practice* § 41.51(3)(b) & (e) (3d ed. 2017). Upon a proper showing, relief from this order may be granted in accordance with Fed. R. Civ. P. 60(b). *See Link*, 370 U.S.

at 635.

This action is DISMISSED without prejudice for want of prosecution.

SIGNED at Houston, Texas, on OCT 25 2019

A handwritten signature in black ink, appearing to be 'A. H. Bennett', written over a horizontal line.

ALFRED H. BENNETT
UNITED STATES DISTRICT JUDGE